

Notice of Allowability

Application No.

10/711,005

Examiner

John P. Leubecker

Applicant(s)

KLOOTZ, JACK

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to November 30, 2005.
2. ☒ The allowed claim(s) is/are 1 and 2.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/4/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Barry Haley on December 29, 2005.

The application has been amended as follows:

IN THE ABSTRACT

In the Abstract, line 1, delete "improved";

line 8, after "intensity", insert --. A first end of the fiber optic bundle is a hemispherical concave shape and abuts the LED light source.--

IN THE CLAIMS

In claim 1, lines 17, after "wherein", replace "the" with --a--;

lines 17-18, replace "that covers the" with --covers a--;

line 18, replace "is" with --and has--;

line 19, after "LED" insert --light source--;

line 20, after "LED" insert --light source--.

In claim 2, line 2, replace "bundles that cover" with --bundle that covers--;

line 2, insert --the-- before "LED";

lines 2-3, replace "is preferred so that" with --allows--;

line 3, replace "can" with --of the fiber optic bundle to--.

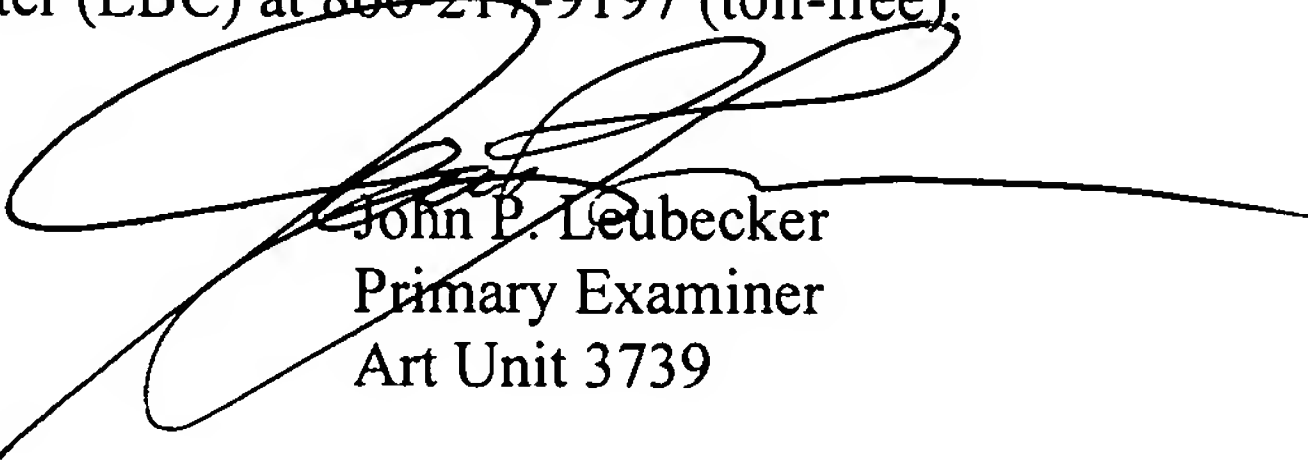
2. The following is an examiner's statement of reasons for allowance: Although the Examiner respectfully disagrees with Applicant's contention that the Examiner used an "obvious to try" test when applying the prior art to Applicant's claims, and takes the position that the combination of prior art references, although found using hindsight, does not require hindsight, nor Applicant's disclosure, to properly teach or fairly suggest the previously claimed invention, Applicant amends claim 1 to include the limitation that the portion of the first end of the fiber optic bundle that covers a surface of the LED light source is hemispherical concave shape. Although this limitation by itself is shown in the prior art, for example, by Kim (U.S. Pat. 5,791,965) (note col.2, lines 48-57), no prior art of record (including Kim) that shows such limitation provides proper motivation to modify any other prior art of record to construct a device as claimed. Kim discloses a device in a different field of endeavor and proffers no reason for the particular coupling between the optical fiber bundle and light source. Therefore, the combination of elements as now recited in claim 1 is allowable over the prior art of record. It is noted that the amendments made above are only to correct issues of indefiniteness and are not material to the patentability of the claim with respect to the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John P. Leubecker
Primary Examiner
Art Unit 3739

jpl